SHRI VAYALAR RAVI: I have no politics. I am so much involved in this. ..*(Interruptions)*

THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR): We will have the sense of the House...*(Interruptions)* I have heard you...*(Interruptions)*. You have made six points. I have heard them... *(Interruptions)*

SHRI JIBON ROY: In their Agenda of National Governance, they have stated that labour is a party to the Governance. That is there in their agenda...*(Interruptions)* I wish to know, before the Minister introduces the Bill, whether this was discussed with the trade unions. They have got several committees...

THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR): Please, the hon. Minister wants to say something.

SHRI M. THAMBI DURAI: I want to assure the hon. Members that regarding labour problems which they are raising, by way of introduction...*(Interruptions)*

THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR): Please listen to him.. .*(Interruptions)*

SHRI JIBON ROY: Why don't you discuss with the labour?

THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR): Don't have interactions.

SHRI M. THAMBI DURAI: Their apprehension is that by privatisation or by way of this modernisation, the existing labour might face problems or there might be retrenchment. That is what the feeling is. I assure the House that the interests of the labour will be taken into account. ..*(Interruptions)* THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR): Kindly take your seat... *(Interruptions)* If you interrupt, I would direct thaf your remarks be expunged. Once the hon. Minister has responded...*(Interruptions)*

SHRI JIBON ROY:*

THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR): Kindly take you seat.... *(Interruptions)* it is only introduction. The hon. Minister is responding to your anguish. He is responding in his own way. Let us have some courtesy of listening to him.

SHRI M. THAMBI DURAI: Regarding the labour problem or the labour interest, we are definitely taking care of it. By way of introducing this Bill or by bringing in so many projects afterwards or by approving this Bill, nowhere is it going to affect the labour. ..*(Interruptions)*

SHRI JOBON ROY : THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR): Shri Jibon Roy, I am directing, that your remarks be expunged...*(Interruptions)* Your remarks made after I requested the hon. Minister to answer will be expunged.

THE MAJOR PORT TRUSTS (AMENDMENT) BILL, 1998

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI M. THAMBI DURAI): Sir, I beg to move for leave to introduce a Bill further to amend the Major Port Trusts Bill, 1963.

THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR): The question is:

"That leave be granted to introduce the' Bill." Those in favour will say 'Aye*.

SOME HON. MEMBERS: Aye.

THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR): Those against will say 'No'.

SOME HON. MEMBERS: No.

*Not recorded.

THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR): I think the 'Ayes' have it, the 'Ayes' have it, the 'Ayes' have it. Now you introduce the Bill.

SHRI M. THAMBI DURAI: I introduce the Bill.

THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR): I call the next item.. .*(Interruptions)*

SHRI S. RAMACHANDRAN PILLAI (Kerala): Let us have a division on this issue....

THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR): I have already said 'Ayes' have it'. That is the end of the matter...*(Interruptions)*

SHRI S. RAMACHANDRAN PILLAI: I have every right to ask for a division.

THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR): Please refer to the rules...*(Interruptions)*

SHRI S. RAMACHANDRAN PILLAI: We have every right to ask for a division.

THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR): Kindly show me the rule... (Interruptions) Kindly quote the rule. I have to learn from you. I will learn...*(Interruptions)* The bill has been introduced. Kindly quote the rule.

SHRI S. RAMACHANDRAN PILLAI: When we had demanded ...*(Interruptions)*

THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR): I have heard 'Ayes', I have heard 'Noes'... *(Interruptions)*

SHRI NILOTPAL BASU (West Bengal): it is clear that a voice vote...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR): May I request you to quote the rule? *(Interruptions).* According to me there need not be any. rule, but if there is a rule according to you, then, please quote the rule. *(Interruptions).* Please quote the rule if you are right.

SHRI S. RAMACHANDRAN PILLAI: Sir, I may be allowed to read. Rule 252 says,

> Division—(1) On the conclusion of a debate, the Chairman shall put the question and invite those who are in favour of the motion to say "Aye" and those against the motion to say "No".
>
> (2) The Chairman shall then say: "I think the Ayes (or the Noes, as the case may be) have it". If the opinion of the Chairman as to the decision of a question is not challenged, he shall say twice: "The Ayes (or the Noes, as the case may' be) have it" and the question before the Council shall be determined accordingly.
>
> (3) If the opinion of the Chairman as to the decision of a question is challneged, he may, if he thinks fit, ask the members who are for "Aye" and those for "No" respectively to rise in their places and, on a count being taken, he may declare the determination of the Council. In such a case, the names of the voters shall not be recorded.
>
> (4) (a) If the opinion of the Chairman as to the decision of a question is challenged and he does not adopt the course provided for in sub-rule (3) he shall order a "Division" to be held.
>
> (b) After the lapse of two minutes, he shall put the question a second time and declare whether in his opinion the "Ayes" or the "Noes" have it.
>
> (c) If the opinion so declared is again challenged, votes shall be taken by operating the automatic vote recorder or by the members going into, the Lobbies.

Sir, this is the rule. We are asking for a division on the basis of Rule 252.

THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR): Please read the qualifying clause in Rule 252(1). It says on the conclusion of the debate..."There was neither a debate nor anything of that sort. Merely a permission to make some points was sought.

SHRI S. RAMACHANDRAN PILLAI: This is the question before us. It is a matter of debate. *(Interruptions*

SHRI NILOTAPL BASU: No, Sir, we cannot accept this position. We are seeking the opinion of the House. You asked for an opinion in "Ayes" or "Noes" and we said "Noes"...*(Interruptions)*

THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR): Fortunately, or, unfortunately, I can hear only one at a time. So let one Member speak at one time, please. I have already given...*(Interruptions)* Arc you supporting rule 252?

SHRI NILOTPAL BASU: Yes.

THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR): It is my ruling. This does not come under the term.

SHRI NILOTPAL BASU: The rule is very clear that before moving the Bill, the Minister concerned has to seek the permission of the House for placing the piece of legislation before the House. Then, the point is, on that question, there is a debafe.

THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR): There was no debate. *(Interruptions)* No. *(Interruptions)*

SHRI VAYALAR RAVI: Sir, Sir,... *(Interruptions)*...

SHRI NILOTPAL BASU: Sir, you have to take the sense of the House.

SHRI VAYALALR RAVI: Sir, rule 252(4)(c) says...*(Interruptions)*...

SHRI SANGH PRIYA GAUTAM (Uttar Pradesh): The sense of the House was taken by the Vice-Chairman.

SHRI NILOTPAL BASU: No, no.

SHRI JIBON ROY: No, no.

SHRI VAYALAR RAVI: Rule 252(4)(c) says:

> "If the opinion so declared is again challenged, votes shall be taken by operating the automatic vote recorder or by the members going into the Lobbies."

We have the right to challenge any time. *(Interruptions)*

THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR): I have heard you.

SHRI BRATIN SENGUPTA (West Bengal): There is no business in the House at the moment. *(Interruptions)* What are we doing in the House? *(Interruptions)*

SHRI RAJUBHAI A. PARMAR (Gujarat): Let us not waste the time. *(Interruptions)*

SHRI JIBON ROY: On another occasion earlier there were objections under Rule 252 at the initial level of introduction of a Bill and it was withdrawn. *(Interruptions)*

SHRI NILOTPAL BASU: Please give your ruling, Sir. *(Interruptions)*

SHRI SANGH PRIYA GAUTAM: The ruling has been given. *(Interruptions)* The Vice-Chairman has given his ruling.

SHRI NILOTPAL BASU: No.

SHRI JIBON ROY: No.

SHRI RAJUBHAI A. PARMAR: How can you say that? *(Interruptions)*

SHRI NILOTPAL BASU: We challenge it. We have every right to challnege it and ask for a division. *(Interruptions)*

SHRI R. MARGABANDU (Tamil Nadu): There is no debate. *(Interruptions)* There is no debate at all. No debate has taken place. *(Interruptions)* There is no question of a division. *(Interruptions)* There was no debate at all. Once the Vice-Chairman asks for 'Ayes' and 'Noes', there is no question...*(Interruptions)*

SHRI NILOTPAL BASU: We challenge it and ask for a division. *(Interruptions)*

SHRI SANGH PRIYA GAUTAM: Mr. Vice-Chairman, the whole thing should be expunged from the records after your ruling. That is final. *(Interruptions)*

SHRI NILOTPAL BASU: We challenge it. It is plain and simple. *(Interruptions)*

SHRI DIPANKAR MUKHERJEE (West Bengal): This is science. As per decibels, right now 'Noes' are nore. Do you want decibels or do you w, nt numbers? As per decibels 'Noes' aie more. That is why a division should be there.

THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR): Please. Yes, Hanumanthappaji.

SHRI H. MANUMANTHAPPA (Karnataka): Mr. Vice-Chairman, Sir, I am sorry. I am /iot questioning the Chair. Whenever there is a debate on any Bill or Resolution, 'yes' or 'no' is taken. But that is not a qualifying clause. Whenever the opinion of the House is taken, it is taken in the form of 'yes' or 'no'. So, the qualifying clause that the Chair has suggested will not apply here. Whenever the opinion of the House is taken, it is in the form of 'yes' or 'no' only. It may be after the debate or it may be at the introduction stage. Taking the opinion of the House is important. After the debate, it is not the qualifying clause. Opinion of the House is taken in 'yes' or 'no'. If that opinion of the Chair is challenged, the only option left to the House is 'division'. That, after the debate, does not qualify the opinion-taking. Opinion taking is usually after a Bill or a motion; that is how it has been introduced. But that does not qualify when an opinion is taken. So, here you have asked for the opinion of the House, the sense of the House. There the view is challenged. The only question open now is of division. I just wanted to correct the interpretation.

SHRI SANGH PRIYA GAUTAM: In the beginning only the Vice-Chairman had asked for 'yes' or 'no'. And I said very firmly...*(Interruptions)*

SHRI NILOTPAL BASU: But there are others also. *(Interruptions)*

SHRI SANGH PRIYA GAUTAM: Many of your Members were not here at that time. They entered after that. The ruling is ruling. *(Interruptions)*

THE VICE-CHAIRMAN (SHRI ADHOK SHIRODKAR): Mr. Gautam, please.

SHRI R. MARGABANDU: Sir,...

THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR): Please, Mar-gabanduji, let me hear. I will hear both of you and I will give *mf* ruling.

SHRI S. RAMACHANDRAN PILLAI: Sir, the issue before us is whether leave to introduce the Bill is to be allowed under Rule 67. That is the motion before us. We had a discussion and we have to take a decision. So, while taking the decision, the method is as provided by Rule 252. There is no other method. That is the only way open to the House to take a decision. But, there is a dispute with regard to the decision. That is why we then asked for a division. So, we are fully entitled to ask for a division as per rule 67 and rules 252.

THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR): Now Shri Margabandu.

SHRI VAYALAR RAVI: Sir, ... *(Interruptions)...*

SHRI R. MARGABANDU: Sir, rule 252(3) ...*(Interruptions)...*

SHRI VAYALAR RAVI: Sir ... (In*terruptions)...*

THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR): I have heard them and I am entitled to hear them also. Why Do you feel I hear you alone.?

SHRI R. MARGABANDU: Sir, rule 252(3) says, "If the opinion of the Chairman as to the decision of a question is challenged, he may, if he thinks fit, ask the Members who are for "Aye" and those for "No" respectively to rise in their places and, on a count being taken, he may declare the determination of the Council." Now, the Chair has given permission to the Minister to introduce the Bill and the Minister has introduced the Bill. After having introduced the Bill, where is the question of division?

SHRI VAYALAR RAVI: Sir... ... *(Interruptions)...*

SHRI H. HANUMANTHAPPA: He had not sought the leave of the House to introduce the Bill. ...*(Interruptions)...*

SHRI ONKAR SINGH LAKHAWAT (Rajasthan): Sir, under rule 252 there is a clear provision which says. "On the conclusion of a debate, the chairman shall put the question and invite those who are in favour of the motion to say "Aye"...

मेरा इस में निवेदन यह था कि इन्होंने जो ऑब्जेक्शन किया, उस ऑब्जेक्शन पर संपूर्ण बहस होने के बादआप ने उसे ओवर-रूल्ड कर दिया और अपनी रूलिंग दे दी। उस के बाद आपने मिनिस्टर को बिल पेश करने के लिए कहा। इसलिए डिबेट का कंक्लूजन पहले हो चुका है। अतः मेरा निवेदन है कि इस पर अब कोई डिवीजन का प्रश्न पैदा नहीं होता।

THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR): That is all. I will give my ruling. Please understand, if a motion for leave to introduce a Bill is opposed, that is the first qualifying clause. There was no oppotition to the Bill. Two requests were made that it may be deferred. ...*(Interruptions)...* Now, don't interrupt me. This is my ruling, rightly or wrongly. There was a request made by you citing five

And ayes have it My ruling stands Thank you Iwill call the next item

SHRI NILOTPAL BASU: Sir, if that voice vote is challenged, we have the right to seek division points. Shri Vayalar Ravi suggested two points and after the explanation from the hon. Minister, those requests were dropped. Then I called for it. There was no debate. Thereafter I said, "Ayes" have it.

THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR): No, no. ...*(In terruptions)...*

SHRI NILOTPAL BASU: The rules are very clear on this. ...*(Interruptions)...* This is the right of the Members of the Opposition. ...*(Interruptions)...*

SHRI MD. SALIM: If any voice is raised. ...*(Interruptions)...*

THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR): Please take your seat. ...*(Interruptions)...*

SHRI S. RAMACHANDRAN PILLAI: We are very sorry. I may be allowed to raised it. Sir, as a ruling, I am not questioning it because we are bound by it. But, I am raising an issue. The issue you posed before us is, whether you allow the introduction or not. That is the motion you posed before us. One section supported it, another section opposed it. So, we disputed it and we asked. for a division. That is the issue you posed before us.

THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR): I have already explained my ruling. I will once again explain Rule 67 read with 252. On the conclusion of a debate the entire thing that follows thereafter, after the conclusion, ...*(Interruptions)...*

SHRI NILOTPAL BASU: Sir, we want to know whether this is a motion or not. You are the gardian of the House. ...*(Interruptions)...* Please tell us whether it is a motion or not. Please give your ruling. ...*(Interruptions)...*

THE VICB-CHAIRMAN (SHRI ADHIK SHIRODKAR): After giving my ruling, I am explaining, though I am not bound to do it. In order to show the fairness I am explaining it. ... *(Interruptions)...*

SHRI NILOTPAL BASU: Sir, ...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR): Please take your seat. Though I am not bound to explain my ruling, I am doing it. Rule 252 applies only after a debate. There was no debate under rule 67. So, everything that follows after the debate, and I have given a ruling that there will be no... The "Ayes" have it, the "Ayes" have it. Now, I call the next Member.

SHRIMATI KAMLA SINHA (Bihar): It is wrong. ...*(Interruptions)*...

SHRI S. RAMACHANDRAN PILLAI: it is absurd. ...*(Interruptions)*...

AN HON. MEMBER: It will be a wrong precedent created in this House. *(Interruptions)*

SHRI MD. SALIM (West Bengal): You cannot be partisan like this. *(Interruptions)* It is a motion. *(Interruptions)*

SHRI DIPANKAR MUKHERJEE: We want to put it on record that 'Ayes' do not have it and 'Noes' have it, 'Noes' have it and Noes have it. *(Interruptions)* That is the question, Sir. With all respesct, for use the issue before us is(*Interruptions)* The issue before us is whether we allow it or not. That is the question we have. *(Interruptions)* Let it be on record that 'Ayes' do not have it and 'Noes' have it. *(Interruptions)*

SHRI JIBON ROY: It is no ruling. It can be ruled out. *(Interruptions)*

SHRI DIPANKAR MUKHERJEE: 'Noes' have it. 'Ayes' do not have it. *(Interruptions)*

THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR): Please. *(Interruptions)*

SHRI H. HANUMANTHAPPA: No other clause is challenged. Only in 252, the Chairman's opinion is challenged. There is a provision. *(Interruptions)*

THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR): I have heard you. *(Interruptions)*

THE MINISTER OF FINANCE (SHRI YASHWANT SINHA): After your ruling, Sir, there is obviously no need for a further discussion on this but because the Members in the Opposition are quite worked up and as an old Member of this House, I want to explain the rules,. There are two stages obviously in which a Bill is introduced and it is quite clearly explained in the Order Paper as such. In the first case, Thambi Durai "to move for leave to introduce the Bill to further amend" and the second is "also to introduce" the Bill. When he moved for leave the introduce the Bill, there were certain points raised here; certain apprehensions were expressed. In response, he gave certain clarifications and then the leave to introduce the Bill was granted to him. That is how he introduced the Bill. So, the leave of the House to introduce the Bill was not questioned and is not being questioned. *(Interruptions)tio,* it was not questioned. *(Interruptions)* No. I have also been sitting here and quietly listening to the points raised. If there were objection in regard to the leave of the House for the Minister to introduce the Bill, quite clearly a division would have been called at that stage. The division had not been called at that stage. He got the leave to introduce the Bill. He introduced the Bill and then as an afterthought, ...*(Interruptions)*... As an afterthought, some Members got up and started demanding *(Interruptions)* This is what has happend. *(Interruptions)*

SHRI S. RAMACHANDRAN PILLAI: The hon. Minister has explianed here. *(Interruptions)* Now the hon. Miniser has explained the position. I want to point out that that is not what happened here. The only issue before us is whether leave is to be granted or not. That is the only issue before us. There is no other issue before us. You have asked whether the leave is granted or not. ...*(Interruptions)*... There is no other disputable point. ...*(Interruptions)*... That

is tne only disputable point. ...*(Interruptions)*... There is no other question. ...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR): That has been decided by me. ...*(Interruptions)*... It stands decided. Mr. Raghavji ... *(Interruptions)*...

श्री राघवजी (मध्य प्रदेश) : उपसभाध्यक्ष महोदय, में अपनी बात संक्षेप में आपके समक्षप्रस्तुत करना चाहता हूं । ....(**व्यवधान**)... उपसभाध्यक्ष महोदय, यह एक बहुत महत्वपूर्ण घटना है और इस संबंध में मैं माननीय मंत्री जी को ....(**व्यवधान**)...

SHRI NILOTPAL BASU: This House cannot function. ...*(Interruptions)*...

SHRI MD. SALIM: Sir, we are talking of the procedure. ...*(Interruptions)*...

SHRI H. HANUMANTHAPPA: Sir, this is a wrong decision. ...*(Interruptions)*... Unfortunately, this is a wrong procedure. ...*(Interruptions)*... Sir, I am not challenging you. ...*(Interruptions)*... But, the procedure is wrong.

THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR): Let us give substantive justice to it. ... *(Interruptions)*...

SHRI H. HANUMANTHAPPA: Sir, the point is that a wrong precedent is being created in the House. ... *(Interruptions)*...

THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR): Try to understand. ...*(Interruptions)*... Mr. Raghavji...

श्री राघवजी : उपसभाध्यक्ष महोदय, मैं काफी देर से खड़ा हूं । और मैं आपकी आज्ञा से कुछ कहने के लिए खड़ा हुआ हूं ....(**व्यवधान**)... यह बहुत महत्वपूर्ण ध्यानाकर्षण प्रस्ताव है और उस संबंध में मैं अपनी बात आपके समक्ष रखना चाहता हूं । ....(**व्यवधान**)...

THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR): Mr. Raghavji, I am sorry to interrupt you. ...*(Interruptions)*... Kindly remember that the rules are meant for our guidance. If substantive justice is being done to a point or an issue, please rest assured. ...*(Interruptions)*... Let us not use the rules as clutches for stopping anything. ...*(Interruptions)*... Shri Raghavji.

श्री राघवजी : उपसभाध्यक्ष जी, यू.डी.आई. देश की एक बहुत कहत्वपूर्ण संस्था है, करोड़ो लोगों का पैसा उसमें लगा हुआ है । यूएम-64 का यह जो मामला प्रकाश में आया है, इससबंधं में मैं माननीय वित्त मंत्री जी का तीन बातों के लिए आभार व्यक्त करना चाहता हूं । पहली बात तो ....(**व्यवधान**)...

SHRI S. RAMACHANDRAN PILLAI: Sir, rules are being violated. ...*(Interruptions)*... It is very unfortunate. ...*(Interruptions)*... We are governed by certain rules. ...*(Interruptions)*... You are also governed by certain rules. ...

श्री राघवजी : उपसभाध्यक्ष महोदय, कृपया मुझे बोलने का अवसर दिया जाए ।

SHRI KHAN GHUFRAN ZAHIDI (Utter Pradesh): This is not a court. This is a House. ...*(Interruptions)*... This is not a court. The House is supreme. ... *(Interruptions)*...

THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR): I fail to understand your logic in referring to a court. Kindly desist. ...*(Interruptions)*...

SHRI JIBON ROY: This is a violation of the procedure. ...*(Interruptions)*... We cannot allow it. ...*(Interruptions)*...

SHRI YASHWANT SINHA: Sir, I just want to make an appeal. It is a well-know fact that the Treasury Benches here are not in a majority. The Opposition is in a majority ...*(Interruptions)*...

SHRI NILOTPAL BASU: Now, you understand that ...*(Interruptions)*...

SHRI YASHWANT SINHA: Quite fairly ...*(Interruptions)*... I was understanding and I have understood it all along ...*(Interruptions)*...There is nc question of any desire on our part, on the part of the Government, to ride roughshod over the feelings of any section of the House. Let that point be very, very clear. It was a question of

procedure which was raised. Both the sides have offered their explanation and you have given a ruling. Now, I will appeal, on behalf of the Government, that this Bill, to which an objection is being raised, is only being introduced. It will come up for discussion in this House. The House, in its wisdom, can throw the Bill out. The House, in its wisdom, can refer the Bill to a Standing Committee. The House can do whatever it likes. It is the property of the House, now. The House can do what it likes with it and it is nobody's case that anyone's rights, as a Member of the House, is being questioned. That is it. I appeal to the hon. Members to please take it in that spirit. It is not the intention of the Government to hurt anybody's feelings or to ride roughshod over anything.

THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR): Nor was it the intention of the Chair. This is my persception ...*(Interruptions)*...

SHRI MD. SALIM: Sir, I have a point of order, under rule 252 4(a). It is on page 82 of the Rules of Procedure and Conduct of Business in the Council of States ...*(Interruptions)*... You have quoted rule 252 (1). The entire rule-252 (1), (2), (3) and (4) ...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR): Which rule are you referring to?

SHRI MD. SALIM: Sir, I am referring to rule 252 4(a). You have not referred to rule 252 fully. You have quoted only 252 (1). I am on 252 (4).

THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR): We are going back again to the same point. Please. ...*(Interruptions)*...

SHRI MD. SALIM: Sir, The first point is, there is no question of any ruling here. There was no mention about it. On the question of voting, the hon. Chairman should have an opinion, but not a ruling. This is the first point.

According to the 'entire' rule 252, there is no scope for any ruling because the whole principle hchind the Parliamentary Rules of Procedure and Conduct of Business is democracy. If hon. Chairman's opinion is challeged on the question, if he does not adopt the procedure in sub-rule (3), he has to order "Division." Now, it is the opinion of the House but you thoght it is "Ayes." Now, read 252 4(a). It says, "If the opinion of the Chairman as to the decision of a question ..."—that is 'Ayes' or 'Noes'—"...is challenged and he does not adopt the course provided for in sub-rule (3)..."—I will read out sub-rule (3) also—"... he shall order a "Division" to be held." And within two minutes, you have to go for a division. You should not allow them to bring in their people here. Sir, the question of democracy is challenged. We will not be here, you will not be here, but the House will remain here. The question of democracy will remain and we will not allow the subvertion of democratic principles here. If you read rule 252 (3), (4) (a), there is no other course then ordering for a "Division" to be held.

SHRI SANGH PRIYA GAUTAM: Mr. Vice-Chairman, Sir, you kindly allow me to speak. As hon. Mr. Sinha has already said there are two parts; one is, to seek the leave of the House to introduce the Bill; and another is, to introduce the Bill. The permission has already been granted to introduce the bill. That has not been challenged. Therefore, this rule does not apply at all ...*(Interruptions)*... It does not apply at all ...*(Interruption)*...

SHRI MD. SALIM: Sir, I want a ruling on 252 (4) (a) ...*(Interruptions)*...

SHRI GURUDAS DAS GUPTA (West Bengal) Sir, may I make a point? ... *(Interruptions)*...

THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR): Yes, Mr. Gupta.

SHRI GURUDAS DAS GUPTA: I appreciate the appeal made by Yashwantji. But Sir, as the Chairman, as a person sitting on the Chair, you also kindly appreciate our position. The point is, it is true that we can throw out the Bill when it comes up for our aproval. But that is not the issue. The issue is, there is a definite feeling among us that the right of the hon. Member to give his opinion, at the introduction stage, as guaranteed by the rules, has somehow, been overlooked. I do not like to use the word "violated." Therefore, kindly reopen it. Let us not unnecessarily take the time of the House. We have a very important issue i.e., the Calling Attention Motion on the UTI. The country wants to know the Government's views. Kindly reopen it *...(Interruptions)...*

SHRI SANGH PRIYA GAUTAM: Sir, this cannot be reopened because the number of Members at that time was very few. you call for the record *...(Interruptions)...* It cannot be reopened *...(Interruptions)...*

SHRI GURUDAS DAS GUPTA: Just one minute *...(Interruptions)...*

Therefore, Sir, I appeal to you to kindly re-open the issue and take the opinion of the House*...(Interruptions)...* Sir, I appeal *...(Interruptions)...* I appeal to you to kindly reopen the issue. Secondly, I make an humble submission that it was not proper to introduce the Bill while the Calling Attention Motion was being discussed.

THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR): Mr. Gurudas Das Gupta, you were not *...(Interruptions)...* Please *...(Interruptions)...*

SHRI GURUDAS DAS GUPTA: One minute please, Sir. We are not interested in holding up the proceedings of the House. We are interested to know his views. Kindly re-open the issue and then give us the permission to know his views.

THE VICE-CHAIRMAN (Shri Adhik Shirodkar) We will take a brief recess for 15 minutes and then we will re-assemble. The House is adjourned for 15 minutes.

The House then adjourned at eleven minutes past three of the clock.

The House reassembled at twenty-four minutes past three of the clock The Vicc-Chairman (shri Adhik Shirodkar) in the Chair

THE VICE-CHAIRMAN (Shri Adhik Shirodkar): Hon. Members, as we all know, this House is the supreme authority in all respects. As has been explained by Mr. Vayalar Ravi and Mr. Jibon Roy, this is an issue which concerns thousands and thousands of people. However, I will appeal to you that with a view to proceeding with the matters ahead of us, let us put this issue back. Let us go ahead with the work before us.

I appeal to you. Thank you very much I request Raghavji to speak now take it as if you have started now.

CALLING ATTENTION TO A MATTER OF URGENT PIBLIC IMPORTANCE

Nav of US-64 and Status of other Schemes of Unit Trust of India Affecting Lakhs of Small Investors—contd.

श्री राघवजी (मध्य प्रदेश) : महोदय, मैं अपनी बात बहुत संक्षेप में कहूंगा। भारतीय यूनिट ट्रस्ट एक महत्वपूर्ण वित्तीय संस्था है जिसमें लाखों नहीं बल्कि करोड़ों निवेशकों का पैसा लगा हुआ है। जो अपनी छोटी-छोटी बचत का पैसा इसमें जमा करके देश की वित्तीय स्थिति को मजबूत करते हैं। पिछले समय में यू.एस. – 64 में जो घाटा हुआ है, वह देश के सामने आया है। इसके कारण इस सदन में यह बहस चल रही है। इस विषम परिस्थिति में मैं माननीय वित्त मंत्री जी को तीन बातों के लिए धन्यवाद देना चाहता हूं। एक तो जो लेखा पद्धति है, उस लेखा पद्धति में सुधार करके बाजार भाव पर मूल्यांकन करके यू.टी.आई. की यू.एस.- 64 स्कीम में जो घाटा हुआ है। वह घाटा सबके सामने प्रकाश में लाने में उन्होंने मदद की है वरना पहले की, 1997 तक की पद्धति में वह घाटा सामने आ ही नहीं पाता था। लेकिन माननीय वित्त मंत्री जीने नयी पद्धति